

ALAMEDA COUNTY
CONGESTION MANAGEMENT AGENCY

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Memorandum

*September 24, 2009
Agenda Item 7.1*

Date: September 14, 2009
To: CMA Board
From: Plans and Programs Committee
Subject: Resolution to Approve the SR 238 Hayward Bypass Local Alternative Transportation Improvement Program (LATIP) Project List

Action

It is recommended that the Board approve Resolution 09-09 adopting the SR 238 Hayward Bypass Local Alternative Transportation Improvement Program (LATIP) Project list as shown in the attached Figures 1 and 2 and Table 1. This approval is contingent upon approval of similar resolutions by the City of San Leandro, City of Hayward, Alameda County, the ACCMA Board of Directors and the ACTA Board of Directors substantially in the same form attached and upon resolution of the Settlement Agreement and in-progress parallel judicial action to define benefits to existing residents in the SR 238 Corridor.

Next Steps

Once local approvals are obtained, Caltrans, ACTA, and the ACCMA will submit the prioritized LATIP Project list to the CTC for approval in the Fall of 2009 accompanied by the local resolutions and the approved Caltrans PID.

Discussion

In December 2005, the Alameda County Transportation Authority ("ACTA") adopted Amendment No. 1 to the Alameda County Transportation Expenditure Plan dated August 1986 ("Expenditure Plan") to delete the SR 238 Hayward Bypass project from the Expenditure Plan and fund four alternative projects.

Senate Bill 509, signed into law in September 2004 and Assembly Bill 1462, signed into law in October 2005 collectively amended Government Code Section 14528.5 which provides for the use of revenues from the sale of excess property, originally purchased for improvements on State Route 238 Hayward Bypass project, which project is no longer feasible, in order to fund a local alternative transportation improvement program, subject to approval by the California Transportation Commission (CTC).

Assembly Bill 1386, currently under consideration in the California Legislature, would amend Government Code Sections 14528.5 and 14528.6 to address administrative changes including but not limited to adding a definition of “excess properties” and allowing greater latitude to the approved LATIPs in the application of proceeds from the sale of excess properties and defining an administrative process by which LATIP projects may move forward prior to the actual sale of excess properties.

Current statute requires that the LATIP must be approved by the California Transportation Commission prior to July 2010; additionally, it must be approved prior to Caltrans selling the excess right-of-way purchased for the original SR 238 Hayward Bypass project or the funds will revert to the State Highway Account and will not be exclusively available for LATIP projects in Alameda County.

A Policy Advisory Committee consisting of representatives from the Cities of San Leandro and Hayward, Alameda County, the ACCMA, ACTA and Caltrans have developed and approved the attached LATIP Project list shown in Figures 1 and 2 and Table 1. The purpose of the LATIP Project list is to identify and prioritize a list of congestion relief transportation projects in the same corridors that would have benefited from the original SR 238 Hayward Bypass project and that can be constructed in the next 5 to 10 years. Local agency resolutions of support for the LATIP are required to demonstrate to the CTC that local consensus has been reached on the priority of alternative projects.

The local agencies have previously supported the development of the SR 238 Hayward Bypass LATIP. In Summer 2007, the Cities of San Leandro and Hayward, Alameda County, the ACCMA and ACTA adopted resolutions in support of the Financially Unconstrained LATIP Project list. The difference between the Financially Unconstrained LATIP Project list resolution approved in 2007 and the LATIP Project list resolution currently being adopted is that the projects are in priority order.

Caltrans consensus and support will be documented separately through the approval of a LATIP Project Initiation Document (PID). The PID includes documentation that supports the SR 238 Hayward Bypass LATIP Project list and Programming Principles that were developed in conjunction with CTC staff, which provide guidance on the programming of funds from the sale of the excess right-of-way. These Principles include:

- Continued authority for the LATIP Board to propose a reprioritization of the LATIP if needed, which must be approved by the CTC after each change.
- Provisions for “Reimbursement Allocations” allowing for eligible expenses to be incurred prior to allocation (subject to legislative action) similar to the STIP process.
- Provisions for establishing interest bearing accounts.

These Principles are reflected in AB 1386, currently being amended.

Central Alameda County Freeway Study

Figure 1

LATIP in Priority Order

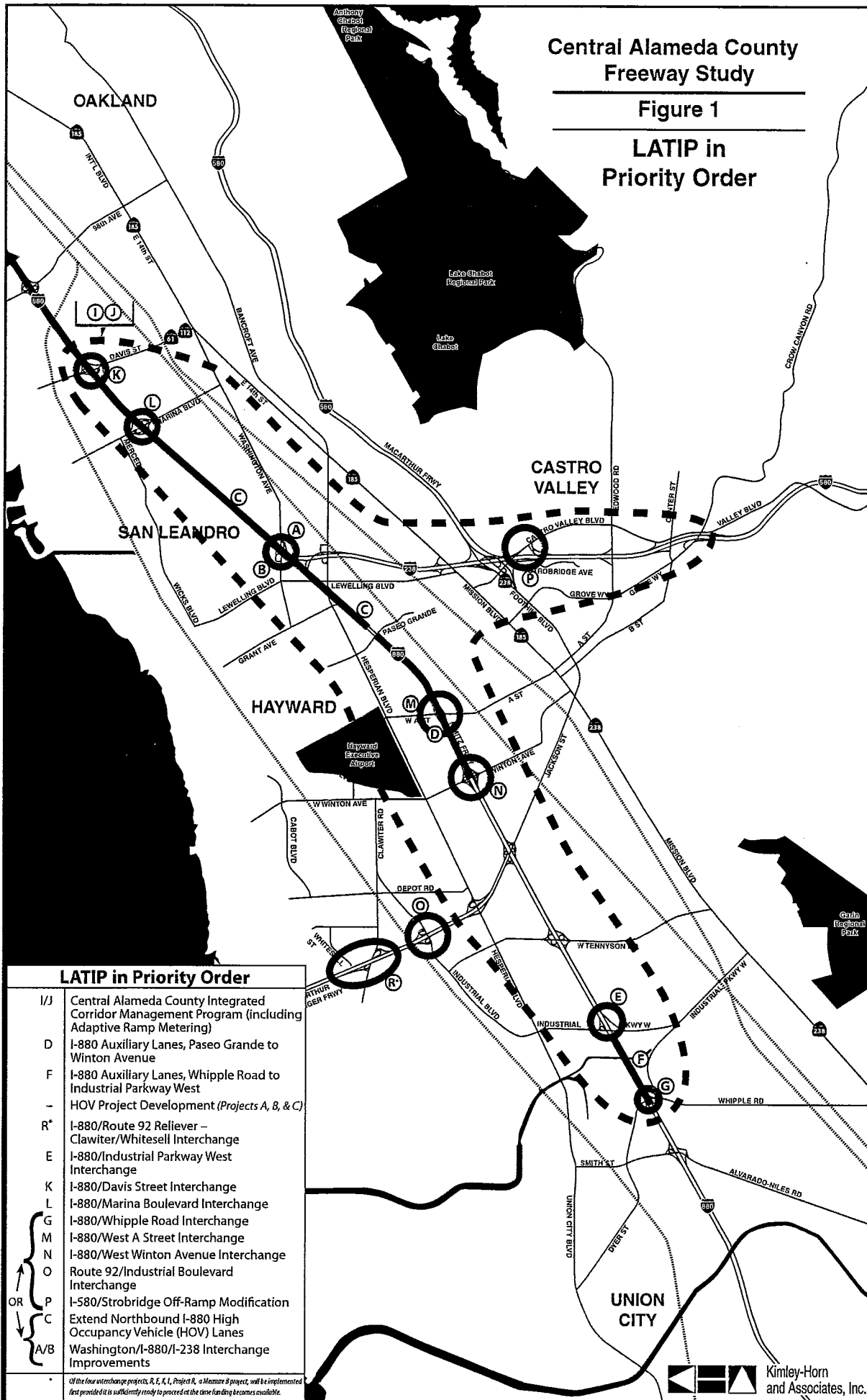
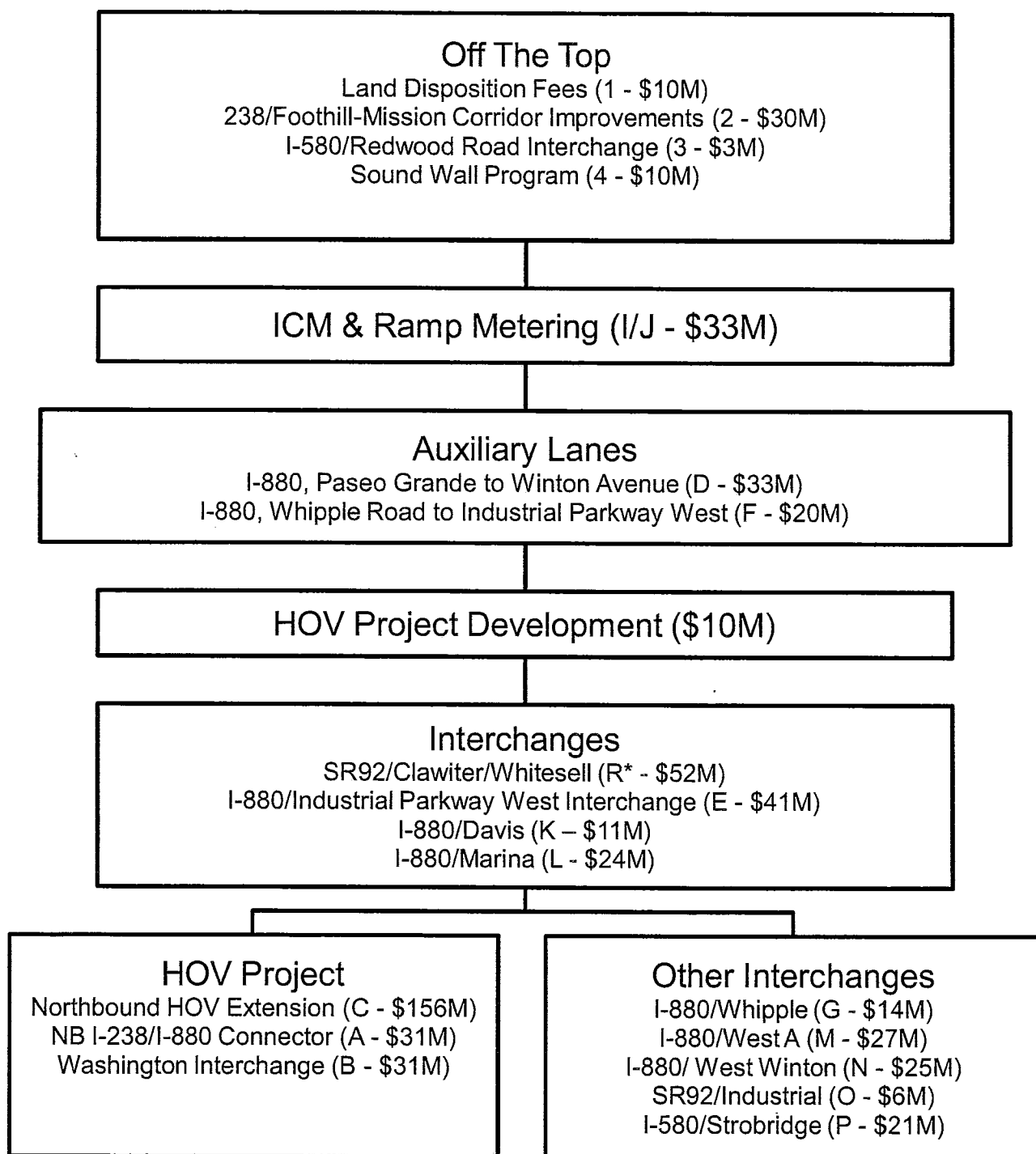


Figure 2
Proposed LATIP In Priority Order



* Project R, a Measure B project, will be implemented first provided it is sufficiently ready to proceed at the time funding becomes available.

Table 1

PROPOSED LATIP IN PRIORITY ORDER - Revised June 17, 2008
Central Alameda County Freeway Study

			Caltrans	Land Disposition Fees		TBD	Actual amount unknown, \$10 million used in calculations.
1	-				-		Total funding needed reflects difference between project cost and committed funding. Also subject to pending legislative change.
2	-	Hayward	Hayward	238/Foothill-Mission	-	\$30,000,000	Total funding needed is a contingencies allowance for potential unforeseen construction items.
3	I-880	Castro Valley	ACTA	I-580/Redwood Road Interchange	Redwood Rd.	\$3,000,000	
4	I-880 I-238 I-580		TBD	Locations to be determined	Sound Walls	\$10,000,000	
I and J	I-880 I-238 I-580		Caltrans/ACCMA	ICM	Adaptive Ramp Metering	\$32,500,000	
D	I-880	Hayward	Caltrans/ACCMA	I-880 Auxiliary Lanes, Paseo Grande to Winton Avenue	Integrated Corridor Management (ICM) Program	\$32,500,000	
F	I-880	Hayward	Caltrans/ACCMA	I-880 Auxiliary Lanes, Whipple Road to Industrial Parkway West	West A Street interchange to Winton Interchange	\$19,500,000	
-	I-880	County and San Leandro	Caltrans/ACCMA	IIOV Project Development (Projects A, B, and C)	Whipple Road to Industrial Parkway West	\$10,000,000	Funds to Prepare PSR
R	Hwy 92	Hayward	Hayward	I-880/Route 92 Reliever - Clawiter/Whitesell Interchange	SR 92/Clawiter Interchange Area	\$52,000,000	Of the four interchange projects, R, E, K, and L, Project R, a Measure B project, will be implemented first provided it is sufficiently ready to proceed at the time funding becomes available.
E	I-880	Hayward	Hayward/ACCMA	I-880 /Industrial Parkway West Interchange	Industrial Parkway West Interchange	\$41,000,000	Total funding needed was reduced to reflect the construction cost for structure reconstruction to be borne by the southbound HOV Project (I-Bond).
K	I-880	San Leandro	San Leandro	I-880 /Davis Street Interchange	Davis St.	\$11,100,000	Total funding needed was reduced to reflect the construction cost for structure reconstruction to be borne by the southbound HOV Project (I-Bond).
L	I-880	San Leandro	San Leandro/ACCMA	I-880 /Marina Boulevard Interchange	Marina Blvd.	\$24,400,000	
G	I-880	Union City	TBD	I-880 /Whipple Road Interchange	Whipple Road	\$13,500,000	
M	I-880	Hayward	TBD	I-880/West A Street Interchange	W. A St.	\$27,000,000	
N	I-880	Hayward	TBD	I-880/West Winton Avenue Interchange	Winton Ave.	\$25,000,000	
O	SR 92	Hayward	TBD	Route 92/Industrial Boulevard Interchange	Industrial Blvd.	\$6,000,000	
P	I-580	County	TBD	I-580/Strobridge Off-Ramp Modification	I-580/Strobridge Avenue/Castro Valley Boulevard	\$21,000,000	
C	I-880	County and San Leandro	Caltrans/ACCMA	Extend Northbound I-880 High Occupancy Vehicles (HOV) Lanes	C.1 - North of Washington	Total 155,500,000 C.1 64,000,000 C.2 91,500,000	Costs represent extension to north of Davis. An additional \$52,000,000 in 2007 dollars is required to go to Hegeberger.
A and B	I-238	San Leandro	Caltrans/ACCMA	NB I-238 connector to NB I-880	C.2- South of Washington (Southern limit is north of Hacienda)	\$31,000,000	If Projects A and B are constructed concurrently, the total cost will be \$46,200,000. This figure was used in bottom line sum.
	I-880	San Leandro	Caltrans/ACCMA	Washington Interchange	I-238 Interchange Improvements (NB I-238 connector to NB I-880)	\$31,000,000	
					Washington/I-880 Interchange	\$570,200,000	
					TOTAL COST OF ALL PROJECTS:		

OR

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**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY
RESOLUTION 09-09**

Project Title: State Route (SR) 238 Hayward Bypass
Local Alternative Transportation Improvement Program (LATIP)

WHEREAS, Senate Bill 509, signed into law in September 2004, and Assembly Bill 1462, signed into law in October 2005, collectively amended Government Code Section 14528.5, which provides for the use of revenues from the sale of excess property, originally purchased for the State Route 238 Hayward Bypass ("Bypass") project, which project is no longer feasible, in order to fund a local alternative transportation improvement program, subject to approval by the California Transportation Commission ("CTC"); and

WHEREAS, Assembly Bill 1386, currently under consideration in the California Legislature, would amend Government Code Sections 14528.5 and 14528.6 to address administrative changes including but not limited to adding a definition of "excess properties" and allowing greater latitude to the approved LATIP in the application of proceeds from the sale of excess properties, and defining an administrative process by which LATIP projects may move forward prior to the actual sale of excess properties; and

WHEREAS, in December 2005 the Alameda County Transportation Authority ("ACTA") adopted Amendment No. 1 to the Alameda County Transportation Expenditure Plan dated August 1986 ("Expenditure Plan") to delete the Bypass project from the Expenditure Plan and to fund four alternative projects; and

WHEREAS, a prioritized list of state highway projects that will provide congestion relief in the same corridors that would have benefited from the Route 238 Hayward Bypass project has been created in conjunction with said Amendment No. 1; and

WHEREAS, this prioritized project list is intended to form the State Route 238 Hayward Bypass Local Alternative Transportation Improvement Program ("LATIP"); and

WHEREAS, the final prioritized LATIP must be approved by the CTC by the time the excess right-of-way is sold or the funds from the sale of the right-of-way will revert to the State Highway Account and will not be exclusively available for projects in central Alameda County; and

WHEREAS, in order for the LATIP to be approved by the CTC, local area support for the LATIP must be demonstrated by the Cities of San Leandro and Hayward, Alameda County, the Alameda County Congestion Management Agency ("ACCMA"), and ACTA; and

WHEREAS, this local support is desired to be demonstrated by September 2009 for the final prioritized LATIP; and

WHEREAS, the Central County Freeway Study Policy Advisory Committee approved the prioritized LATIP on June 28, 2008;

NOW, THEREFORE be it resolved, that the Alameda County Congestion Management Agency approves the LATIP attached hereto as Attachment A; and

NOW, THEREFORE be it further resolved, that a copy of this resolution shall be transmitted to ACCMA.

Duly passed and adopted by the ACCMA at the regular ACCMA Board meeting held on Thursday, September 24, 2009, in Oakland, California, by the following vote:

AYES: **NOES:** **ABSTAIN:** **ABSENT:**

SIGNED:

Mark Green, Chairperson

ATTEST:

Gladys V. Parmelee, Board Secretary